



House of Representatives

General Assembly

File No. 429

January Session, 2005

Substitute House Bill No. 5799

House of Representatives, April 19, 2005

The Committee on Public Health reported through REP. SAYERS of the 60th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING DISPOSITION OF UNCLAIMED CREMATED REMAINS BY FUNERAL DIRECTORS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2005*) If the person who has
2 custody and control of the remains of a deceased person pursuant to
3 section 45a-318 of the general statutes requests the disposal of the
4 deceased body by cremation or if the deceased had executed a
5 cremation authorization form in accordance with the provisions of said
6 section 45a-318, the funeral director shall complete a written form
7 containing the following information: (1) The name and address of the
8 funeral service business that is responsible for the disposal of the
9 deceased body; (2) the name of the deceased; (3) the place and time of
10 the cremation; (4) the name of the licensed funeral director or
11 embalmer; (5) the name and address of the person who has custody
12 and control of the remains of the deceased; (6) a summary of the
13 disposition, in accordance with section 2 of this act, of the cremated
14 remains, if unclaimed; and (7) a statement indicating the disposition of

15 the cremated remains requested by the person who has custody and
16 control of the remains of the deceased or a statement indicating the
17 deceased had executed a cremation authorization form in accordance
18 with the provisions of section 45a-318 of the general statutes. The
19 written form shall be signed and dated by the person who has custody
20 and control of the remains of the deceased and the funeral director. A
21 copy of the signed form shall be provided to the person who has
22 custody and control of the remains of the deceased. The original
23 signed form shall be retained at the funeral service business for not less
24 than twenty years from the date on which it was signed by the person
25 who has custody and control of the remains of the deceased.

26 Sec. 2. (NEW) (*Effective July 1, 2005*) (a) If the cremated remains are
27 not accepted by a person in accordance with the requested disposition
28 of the cremated remains on the form required by section 1 of this act or
29 by the person designated to take custody and control of the cremated
30 remains, the funeral director may dispose of such cremated remains
31 by: (1) Burial in a cemetery, (2) storage in a crypt of a mausoleum or
32 columbarium, (3) scattering, (4) burial in a memorial garden, (5)
33 storage at the funeral home, or (6) such other method identified in the
34 signed form required by section 1 of this act, provided the funeral
35 director has complied with the notice requirements of subsection (b) of
36 this section. Upon such disposal of the cremated remains, the funeral
37 director shall notify, in writing, the registrar of vital records in the
38 town from which the cremation permit for the deceased was issued
39 pursuant to section 19a-323 of the general statutes, as amended by this
40 act, of the manner in which the cremated remains were disposed. Such
41 written notice shall be attached to the cremation permit.

42 (b) If, because of the failure of the person responsible for accepting
43 the cremated remains or the person designated to take custody and
44 control of the cremated remains to accept such remains, a funeral
45 director or embalmer possesses cremated remains for more than one
46 hundred eighty days after the date of cremation, such funeral director
47 or embalmer shall provide notice, by certified mail, to (1) the person
48 who signed the form required by section 1 of this act, and (2) (A) the

49 person responsible for accepting such remains, or (B) the person
50 designated to take custody and control of the cremated remains, if
51 different from the person signing the form. Such notice shall provide
52 that if the cremated remains are unclaimed for more than ninety days
53 from the date of mailing of such notice, the remains will be disposed of
54 in accordance with subsection (a) of this section.

55 (c) Any cremated remains in the possession of a funeral director on
56 July 1, 2005, may be disposed of in the manner specified in subsection
57 (a) of this section, provided the funeral director has made a reasonable
58 attempt to notify the person who had custody and control of the
59 remains of the deceased or a relative of the decedent. Such notice shall
60 provide that if the cremated remains are unclaimed for more than one
61 hundred eighty days from the date of mailing of such notice, the
62 remains will be disposed of in accordance with subsection (a) of this
63 section.

64 Sec. 3. Section 19a-323 of the general statutes is repealed and the
65 following is substituted in lieu thereof (*Effective July 1, 2005*):

66 The body of any deceased person may be disposed of by
67 incineration or cremation in this state or may be removed from the
68 state for such purpose. If death occurred in this state, the death
69 certificate required by law shall be filed with the registrar of vital
70 statistics for the town in which such person died, if known, or, if not
71 known, for the town in which the body was found. The Chief Medical
72 Examiner, Deputy Chief Medical Examiner, associate medical
73 examiner, or an authorized assistant medical examiner shall complete
74 the cremation certificate, stating that such medical examiner has made
75 inquiry into the cause and manner of death and is of the opinion that
76 no further examination or judicial inquiry is necessary. The cremation
77 certificate shall be submitted to the registrar of vital statistics of the
78 town in which such person died, if known, or, if not known, of the
79 town in which the body was found, or with the registrar of vital
80 statistics of the town in which the funeral director having charge of the
81 body is located. Upon receipt of the cremation certificate, the registrar

82 shall authorize the cremation certificate, keep it on permanent record,
83 and issue a cremation permit, except that if the cremation certificate is
84 submitted to the registrar of the town where the funeral director is
85 located, such certificate shall be forwarded to the registrar of the town
86 where the person died to be kept on permanent record. The estate of
87 the deceased person, if any, shall pay the sum of forty dollars for the
88 issuance of the cremation certificate or an amount equivalent to the
89 compensation then being paid by the state to authorized assistant
90 medical examiners, if greater. No cremation certificate shall be
91 required for a permit to cremate the remains of bodies pursuant to
92 section 19a-270a. When the cremation certificate is [issued in]
93 submitted to a town other than that where the person died, the
94 registrar of vital statistics for such other town shall ascertain from the
95 original burial transit removal permit that the certificates required by
96 the state statutes have been received and recorded, that the body has
97 been prepared in accordance with the Public Health Code and that the
98 entry regarding the place of disposal is correct. Whenever the registrar
99 finds that the place of disposal is incorrect, the registrar shall issue a
100 corrected burial transit removal permit and, after inscribing and
101 recording the original permit in the manner prescribed for sextons'
102 reports under section 7-72, shall then immediately give written notice
103 to the registrar for the town where the death occurred of the change in
104 place of disposal stating the name and place of the crematory and the
105 date of cremation. Such written notice shall be sufficient authorization
106 to correct these items on the original certificate of death. No body shall
107 be cremated until at least forty-eight hours after death, unless such
108 death was the result of communicable disease, and no body shall be
109 received by any crematory unless accompanied by the permit
110 provided for in this section. The fee for a cremation permit shall be
111 three dollars and for the written notice one dollar. The Department of
112 Public Health shall provide forms for [such] cremation permits, which
113 shall not be the same as for regular burial permits and shall include
114 space to record information about the intended manner of disposition
115 of the cremated remains, and such blanks and books as may be
116 required by the registrars.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2005</i>	New section
Sec. 2	<i>July 1, 2005</i>	New section
Sec. 3	<i>July 1, 2005</i>	19a-323

PH *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 06 \$
Public Health, Dept.	GF - Cost	Minimal
Office of the Chief Medical Examiner	GF - None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The Department of Public Health will incur a one-time cost of approximately \$700 in FY 06 to revise cremation permit forms to allow for the collection of information regarding the intended disposition of cremated remains, reprint the forms and distribute them to town registrars of vital statistics.

The bill will result in no fiscal impact to the Office of the Chief Medical Examiner.

OLR Bill Analysis

sHB 5799

AN ACT CONCERNING DISPOSITION OF UNCLAIMED CREMATED REMAINS BY FUNERAL DIRECTORS**SUMMARY:**

This bill establishes a process and requirements for funeral directors to dispose of the cremated remains of a deceased person, including unclaimed or unaccepted remains.

It requires the funeral director to complete a written form when the person with custody and control of the deceased requests cremation, or the deceased had executed a cremation authorization form according to law. The written form must include the place and time of cremation and the method of disposal of the remains. If the cremated remains are not accepted as agreed to in the written form, the bill allows the funeral director to dispose of them in a number of specified methods after a certain time has passed and proper notice is sent to the responsible party.

The bill also establishes a process for disposal of remains in a funeral director's possession on July 1, 2005.

Finally, the bill directs the Department of Public Health (DPH) to provide space on cremation permits for recording information about the intended manner of disposing of the cremated remains.

EFFECTIVE DATE: July 1, 2005

DISPOSITION OF A DECEASED PERSON BY CREMATION

The bill requires a funeral director to complete a written form containing specific information when (1) the person having custody and control of a deceased person requests disposal by cremation or (2) the deceased has executed a cremation authorization form according to law. The form must include:

1. the name and address of the funeral service business

responsible for disposing of the deceased;

2. the deceased's name;
3. the time and place of cremation;
4. the funeral director's or embalmer's name;
5. the name and address of the person with custody and control of the deceased's remains;
6. a summary of how the cremated remains, if unclaimed, will be disposed of; and
7. a statement indicating how the person with custody and control wants the cremated remains to be disposed of, or a statement that the deceased had executed a cremation authorization.

Under the bill, this form must be signed and dated by the funeral director and person with custody and control of the deceased's remains. A copy must be given to the person with custody and control. The original must be kept at the funeral service business for at least 20 years from the date it was signed.

DISPOSITION OF UNCLAIMED CREMATED REMAINS

The bill allows a funeral director to dispose of cremated remains that are not accepted (1) according to the written form signed above or (2) by the person designated to take custody and control of the remains. The funeral director may dispose of the remains by (1) burial in a cemetery or memorial garden; (2) storage in a crypt of a mausoleum or columbarium; (3) scattering; (4) funeral home storage; or (5) another method identified in the signed form, if the funeral director has met the bill's notice provisions (see below).

After disposing of the cremated remains, the bill requires the funeral director to give written notice of the manner of disposal to the registrar of vital records in the town where the cremation permit was issued. The notice must be attached to the cremation permit.

NOTICE REQUIREMENTS

If the funeral director has the cremated remains for over 180 days after cremation because the person responsible for accepting them or designated to take custody fails to do so, he or the embalmer must notify (1) the person who signed the form and (2) the person responsible for accepting the remains or designated to take custody and control. The notice must be sent by certified mail and state that if the remains are unclaimed for over 90 days from the date of mailing, they will be disposed of as allowed above.

REMAINS IN POSSESSION OF FUNERAL DIRECTORS ON JULY 1, 2005

The bill allows a funeral director possessing cremated remains on July 1, 2005 to dispose of them in a manner specified above if he has reasonably tried to notify the person who had custody and control of the remains, or a relative of the deceased. The notice must state that the remains will be disposed of as allowed by the bill if they are unclaimed for over 180 days from the notice's mailing.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 26 Nay 0